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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,376	07/06/2004	Aki Tsuji	3883.025	8403
30448	7590	11/30/2007		
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188				
			EXAMINER ALHUA, SAIF A	
			ART UNIT 2128	PAPER NUMBER
			MAIL DATE 11/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/710,376

Applicant(s)

TSUJI ET AL.

Examiner

Saif A. Alhija

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 have been presented for examination.

PRIORITY

2. Applicant's claim for the benefit of a prior-filed application, 09/606,868 filed 29 June 2000, under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Response to Arguments

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

- i) Applicants have not responded to the 112 2nd rejection of interpreter type programming language.

The Examiner has presented Saha's HTML/CGI, Java and Corba and Geppert's JavaCadd to represent the interpreter type programming language.

- ii) Following Applicants amendment a Double Patenting Rejection is also provided.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. **Claims 1-8 are rejected** on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U. S. Patent No. 7,218,979. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent and the instant application discuss a Client Server CAD Architecture utilizing variable programs, numerical and graphical data.

The difference between the claims in the examined application and the claims in the reference patent is the recitation in the claims of the patent of real data. It would be an obvious variation of the invention defined in the claims of the instant application to include an aspect of real data since real data would need to be used for the part numbers and graphical data in order to provide for realistic options in the CAD environment.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i) Applicants have claimed the term "interpreter-type" programming language that is not clearly defined by the specification and is therefore indefinite.

Appropriate correction is required.

All claims dependent upon a rejected base claim are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Saha et al. "Web-Baed Distributed VLSI Design", hereafter Saha.

7. **Claims 1-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Geppert et al. "IC Design on the World Wide Web", hereafter Geppert.**

Regarding Claim 1:

The reference discloses A CAD system utilizing a network and comprises:

a server computer that is connected to a network and (Saha. Figure 2) (Geppert. Figure 5, Web)

at least one client computer that performs data transmission with said server computer via said network;

(101 for carrier wave?) (Saha. Figure 2) (Geppert. Figure 5, Web)

said server computer sends basic data, which are combinations of plurality of variable programs for drawing different graphics and numerical data that are substituted into the variables of said variable programs, for CAD graphic data from said server computer to said client computer according to a request from said client computer; (Saha. Figure 2, PowerZone) (Geppert. Figure 5, Web)

wherein said server computer comprises:

a storage means that stores basic data for said graphic data; and (Saha. Section 4.4, graph plotting utility) (Geppert. Figure 4, Internal Power)

a program data transmitting section that reads said basic data for graphic data from said storage means according to a request from said client computer, and sends that data to said client computer; said-client computer comprises: (Saha. Figure 2, PowerZone) (Geppert. Figure 4, Web Page)

a program data receiving section that receives said basic data for graphic data: (Saha. Section 4.4, graph plotting utility) (Geppert. Figure 4, Web Page)

a computing section that creates parametric graphic data based on said basic data (Saha. Section 4.4, graph plotting utility) (Geppert. Figure 5, Parametric Search)

and a CAD graphic data producing section that creates display data for the graphic display unit in said client computer based on the parametric, graphic data created by said computing section; (Saha. Section 4, Web-Based CAD) (Geppert. Page 47, Top Left, WELD)

said storage means of said server computer comprises a variable program storage section that stores said plurality of variable programs, and a numerical data storage section that stores a plurality of

kinds of said numerical data according to a request from said client computer, then sends that the specified variable and numerical data to said Client computer; (Saha. Section 5, WebTop, storage) (Geppert. Page 47, Top Left, WELD)

and said computing section of said client computer substitutes said numerical values of specified numerical data into the variables of said specified variable program, then executes that program and creates parametric graphic data. (Saha. Section 5, WebTop, storage) (Geppert. Figure 2)

Regarding Claim 2:

The reference discloses A CAD system utilizing a network and comprises:

a server computer that is connected to a network; and

at least one client computer that performs data transmission with said server computer via said network;

said server computer sends basic data for CAD graphic data from said server computer to said client computer according to a request from said client computer;

wherein said server computer comprises:

a storage means that stores basic data for parametric graphic data; and

a program data transmitting section that reads said basic data for parametric graphic data from said storage means according to a request from said client computer, and sends that data to said client computer, said client computer comprises:

a program data receiving section that receives said basic data for parametric graphic data;

a computing section that creates graphic data based on said basic data for parametric graphic data;

and

a CAD graphic data producing section that creates display data for the graphic display unit in said client computer based on the parametric graphic data created by said computing section;

said basic data for parametric graphic data comprises a plurality of variable programs for drawing different graphics and numerical data that is substituted into the variables of said variable programs;

said storage means of said server computer comprises a variable program storage section that stores said plurality of variable programs, and a numerical data storage section that stores a plurality of kinds of said numerical data;

said program data transmitting section reads a specified variable program from said variable program storage section, and reads specified numerical data from said numerical, data storage section according to a request from said client computer, then sends that data to said client computer;

said variable program is created using an interpreter-type programming language; and

said computing section of said client computer comprises an interpreting function for interpreting said interpreter-type programming language, and substitutes said specified numerical data into the variables of said specified variable program made from the interpreter-type programming language, then executes that variable program while interpreting it by the interpreting function for the interpreting interpreter-type programming language, and creates parametric graphic data.

(See rejection for claim 1)

(With respect to the interpreter type programming language see Saha, Section 3.1, HTTP/CGI, Java and Corba and Geppert, Page 46, JavaCadd. The JavaCadd program and the programming languages discussed in Saha represent the interpreter type languages and further are used in performing the CAD aspects of the references, specifically the graphical/parametric data)

Regarding Claim 3:

The reference discloses The CAD system utilizing a network according to claims 1 or 2 wherein said client computer further comprises:

a graphic name list display control section for displaying a list of received graphic names of the basic data for parametric graphic data provided from said server computer on the display unit; and

a selected graphic name transmitting section that sends the names of graphics selected from said list of graphic names to said server computer,

said program data transmitting section in said server computer reads said specified variable program and specified numerical data based on the graphic names that were sent from said selected graphic name transmitting section.

(See rejection for claim 1 as well as Saha, Section 4.1, last paragraph and Section 4.3, Java and Web Tools and Geppert Figure 5, Part Numbers)

Regarding Claim 4:

The reference discloses The CAD system utilizing a network according to claims 1 or 2 wherein said server computer further comprises:

a parts data list storage section that groups and stores part code numbers for each part and said numerical data corresponding to the code numbers;

said program data transmitting section transmits the part data list containing the code numbers and the numerical data to said client computer according to a request of said client computer;

said client computer further comprises:

a code number list display control section that creates a parts code number list from said sent parts data list transmitted, and displays the list on said graphics display unit; and

said computing section substitutes numerical data for the parts that correspond to the names of the part code numbers selected from said displayed parts code number list into the variables of the variable program that corresponds to the names of said graphics and creates graphic data.

(See rejection for claim 1 as well as Saha, Figure 3 and Section 5, HSpice which is a circuit design/simulator containing part/model numbers and Geppert Figure 5, Part Numbers)

Regarding Claim 5:

The reference discloses The CAD system utilizing according to claim 4 wherein when part or all of the numerical data selected by the user in said client computer corresponds to the part code numbers selected from said part code number list in said client computer said computing section of said client computer substitutes said numerical data that was read from said parts data list storage section and said input data into the variables in said

corresponding variable program and creates parametric, graphic data. (Saha. Section 4.4, graph plotting utility and Geppert Figure 5, Part Numbers)

Regarding Claim 6:

The reference discloses The CAD system utilizing a network according to claims 1 or 2 wherein said client computer further comprises:

a data format name selection function that is capable of selecting a data format name for the CAD software;
and

said CAD graphic data producing section converts the format of the parametric graphic data created by said computing section, creates CAD graphic data that suits the selected data format, assigns a file name and stores the data in the memory unit.

(Saha. Section 4.4, graph plotting utility Geppert Figure 4 and Geppert, Page 46, JavaCadd)

Regarding Claim 7:

The reference discloses The CAD system utilizing a network according to claims 1 or 2 wherein said client computer further comprises:

an interface name selection function that is capable of selecting a name for the data- exchange interface provided by the CAD software; and

said CAD graphic data producing section converts the format of the parametric graphic data created by said computing section to create CAD graphic data, and registers said CAD graphic data directly in said CAD software by way of said data-exchange interface. (Saha. Section 4, Web-Based CAD and Geppert, Page 46, JavaCadd)

Regarding Claim 8:

The reference discloses The CAD system utilizing network according to claims 1 or 2, comprising a parts database management program for managing parts data in said program data transmitting section of said server computer. (Saha. Section 5, HSpice which is a circuit design/simulator and Geppert Figure 5, Part Numbers)

Examiners Remarks

8. i) Examiner has cited particular columns and line numbers in the references applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

ii) The Examiner respectfully requests, in the event the Applicants choose to amend or add new claims, that such claims and their limitations be directly mapped to the specification, which provides support for the subject matter. This will assist in expediting compact prosecution.

iii) Further, the Examiner respectfully encourages Applicants to direct the specificity of their response with regards to this office action to the broadest reasonable interpretation of the claims as presented. This will avoid issues that would delay prosecution such as limitations not explicitly presented in the claims, intended use statements that carry no patentable weight, mere allegations of patentability, and novelty that is not clearly expressed.

iv) The Examiner also respectfully requests Applicants, in the event they choose to amend, to supply a clean version of the presented claims in addition to the marked-up copy in order to avoid potential inaccuracies with the version of the claims that would be examined.

Conclusion

10. All Claims are rejected.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saif A. Alhija whose telephone number is (571) 272-8635. The examiner can normally be reached on M-F, 11:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571) 272-2279. The fax phone number for the organization where this application or proceeding

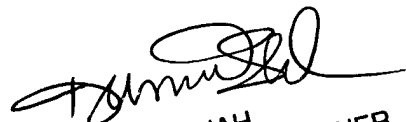
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is assigned is (571) 273-8300. *Informal or draft communication, please label PROPOSED or DRAFT*, can be additionally sent to the Examiners fax phone number, (571) 273-8635.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAA
November 23, 2007


KAMINI SHAH
SUPERVISORY PATENT EXAMINER